

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN JAMES LATTIN,
Petitioner,
v.
GENA JONES,
Respondent.

Case No. 2:23-cv-02916-JDP (HC)

ORDER

DIRECTING PETITIONER EITHER TO
SUBMIT AN APPLICATION TO PROCEED
IN FORMA PAUPERIS OR PAY THE
REQUIRED FILING FEE

RESPONSE DUE WITHIN THIRTY DAYS

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ Petitioner has not, however, filed an *in forma pauperis* affidavit or paid the required filing fee (\$5.00). *See* 28 U.S.C. §§ 1914(a); 1915(a). Petitioner will be provided the opportunity to either submit the appropriate affidavit in support of a request to proceed *in forma pauperis* or submit the appropriate filing fee.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner shall submit, within thirty days from the date of this order, an affidavit in support of his request to proceed *in forma pauperis* or the appropriate filing fee; petitioner's failure to comply with this order will result in a recommendation that this action be dismissed.

¹ Petitioner filed his petition on a 28 U.S.C. § 2241 form, however, upon review of the petition, petitioner seeks relief under 28 U.S.C. § 2254. Accordingly, the Clerk of Court is directed to amend the docket to reflect that this is an action brought pursuant to 28 U.S.C. § 2254.

1 2. The Clerk of Court is directed to send petitioner a copy of the *in forma pauperis* form
2 used by this district.

3 3. The Clerk of Court is directed to amend the docket to reflect that this is an action
4 brought pursuant to 28 U.S.C. § 2254.

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6 IT IS SO ORDERED.
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8 Dated: January 3, 2024



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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